

U.S. DISTRICT JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERNEST E. EATON, III,

Plaintiff,

VS.

COMMISSIONER OF SOCIAL SECURITY,

Defendant

)
) CIVIL NO. 3:21-cv-05053-RAJ
)
) ORDER

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgement on July 27, 2021 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was

ORDER FOR EAJA FEES - 1

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1 not substantially justified, and that the itemization of attorney time spent is reasonable. In short,
2 the requirements of § 2412(d)(1)(B) are met.

3 Having thoroughly considered the parties' briefing and the relevant record, the Court
4 hereby GRANTS the motion and awards Plaintiff \$6,861.05 in attorney's fees, subject to any offset
5 allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010).
6 Payment of EAJA fees shall be made payable to David Oliver and shall be sent to Plaintiff's
7 attorney by either EFT or check to David Oliver at David Oliver & Associates, 2608 South 47th
8 Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratiff*, award shall be payable to Plaintiff's
9 attorneys, David Oliver at David Oliver & Associates, if the Commissioner confirms that Plaintiff
10 owes no debt to the Government through the Federal Treasury Offset program.

11 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;

12 DATED this 10th day of January, 2022.

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15 The Honorable Richard A. Jones
16 United States District Judge
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